

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 6TH NOVEMBER 2007 / 15TH KARTHIKA 1929

WP(C).No. 33661 of 2006(G)

PETITIONER:

MR. SAJI CHERIAN, AGED 37 YEARS,
S/O. C.U.CHERIAN, CHELLIYAMPURATH,
RAMAMANGALAM P.O., ERNAKULAM DISTRICT.

BY ADV. SRI.ALIAS M.CHERIAN

RESPONDENTS:

1. PAMBAKKUDA BLOCK PANCHAYATH,
PAMBAKKUDA, ERNAKULAM, REPRESENTED BY
ITS SECRETARY.
2. THE BLOCK DEVELOPMENT OFFICER,
PAMBAKKUDA BLOCK PANCHAYATH, PAMBAKKUDA,
ERNAKULAM DISTRICT.
3. ASSISTANT ENGINEER,
PAMBAKKUDA BLOCK PANCHAYATH, PAMBAKKUDA,
ERNAKULAM DISTRICT.
4. DISTRICT COLLECTOR,
ERNAKULAM.
5. PRINCIPAL SECRETARY,
REVENUE (K) DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
6. STATE OF KERALA, REPRESENTED BY
THE PRINCIPAL SECRETARY, REVENUE (K) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY SR.GOVERNMENT PLEADER SRI.K.J.MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 06/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

PIUS C. KURIAKOSE, J.

.....
W.P.(C)No.33661 OF 2006
.....

DATED THIS THE 6TH NOVEMBER, 2007

J U D G M E N T

The grievance of the petitioner who was a contractor to the 1st respondent-Block Panchayat for the repairs and restoration of Ullolikkunnu-Kizhumurai L.P.School Road in Ramamangalam Panchayat under the 1st respondent is that the final bill submitted by him for the works already executed by him is not being paid. He was constrained to stop the work since the Government cancelled the administrative sanction which had been previously given. Subsequently, administrative sanction has been restored.

2. The stand of the 2nd respondent-Block Development Officer is that payment will be released to the petitioner only if he carries out the rest of the work also. The stand of the petitioner is that he is ready to carry out the rest of the work but he is unable to carry out such works at the old rates and that if the respondents are prepared to pay him revised rates for the remaining work, he will readily carry out the work.

3. I do not think that the respondents are justified in insisting that the petitioner should carry out the remaining work at the original rates as a condition for releasing to him payment for the work so far

executed by him, especially since it is not in dispute that the work was satisfactory in nature. Under these circumstances, I dispose of the Writ Petition issuing the following directions:-

Respondents 2 and 4 are directed to sanction payment of the final bill submitted by the petitioner in respect of the work carried out as per agreement No.95/2003-04 dated 28.2.2004 for the repairs and restoration of Ullolikkunnu-Kizhumurai L.P.School Road in Ramamangalam Panchayat and to release payment subject to seniority of the bill. The issue of completion of the remaining works will be decided separately after hearing the petitioner.

(PIUS C.KURIAKOSE, JUDGE)

tgl

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